



Western Australian Certificate of Education Examination, 2011

Question/Answer Booklet

POLITICS AND LAW

Stage 3

Please place your student identification label in this box

Student Number: In figures

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In words

Time allowed for this paper

Reading time before commencing work: ten minutes
Working time for paper: three hours

Materials required/recommended for this paper

To be provided by the supervisor

This Question/Answer Booklet

To be provided by the candidate

Standard items: pens, pencils, eraser, correction fluid/tape, ruler, highlighters

Special items: nil

Important note to candidates

No other items may be taken into the examination room. It is **your** responsibility to ensure that you do not have any unauthorised notes or other items of a non-personal nature in the examination room. If you have any unauthorised material with you, hand it to the supervisor **before** reading any further.

Structure of this paper

Section	Number of questions available	Number of questions to be answered	Suggested working time (minutes)	Marks available	Percentage of exam
Section One: Short response	4	3	45	30	30
Section Two: Source analysis	2	1	35	20	20
Section Three: Part A Unit 3A: Extended response	2	1	50	50	50
Part B Unit 3B: Extended response	2	1	50		
Total					100

Instructions to candidates

1. The rules for the conduct of Western Australian external examinations are detailed in the *Year 12 Information Handbook 2011*. Sitting this examination implies that you agree to abide by these rules.
2. Answer the questions in the space provided.
3. You must be careful to confine your responses to the specific questions asked and to follow any instructions that are specific to a particular question.
4. Sections One and Two: Spare pages are included at the end of this booklet. They can be used as additional space if required to continue an answer. If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

Section Three: Pages are included at the end of this booklet for planning and writing your answer.

- Planning: If you use the pages for planning, indicate this clearly at the top of the page.
- Answering the question: In the pages provided indicate clearly the question number you are answering.

Section One: Short response**30% (30 Marks)**

This section has **four (4)** questions. You must answer **three (3)** questions.

Part A: Answer **one (1)** question from a choice of **two (2)**.

Part B: Answer **one (1)** question from a choice of **two (2)**.

The third response can be chosen from **either** of the remaining questions in Part A **or** Part B.

Spare pages are included at the end of this booklet. They can be used as additional space if required to continue an answer. If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

Suggested working time: 45 minutes.

Part A: Unit 3A

Question 1**(10 marks)**

- (a) Explain what is meant by the term 'representative government' in Australia. (2 marks)

- (b) Outline **one** aspect of Section 24 of the Commonwealth Constitution (Australia) and explain briefly its significance. (3 marks)

Question 2

(10 marks)

- (a) Explain the concept of a 'political mandate'.

(2 marks)

- (b) Explain why the Australian Senate and Senators could be considered to have a political mandate.

(3 marks)

- (c) 'There is a tendency for a government to proclaim a mandate only when it suits.'
Explain what is meant by this claim, and discuss **two** examples from Australian federal politics that support and/or refute the claim. (5 marks)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Part B: Unit 3B

Question 3**(10 marks)**

- (a) Explain what is meant by the term 'popular participation' in a democracy. (2 marks)

- (b) Outline **three** ways in which Australia has promoted popular participation. (3 marks)

- (c) With reference to a country other than Australia, identify and explain **two** ways in which that country has undermined democratic principles. (5 marks)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Question 4

(10 marks)

- (a) Explain what is meant by the term 'common law rights' in Australia. (2 marks)

- (b) Outline **three** explicit rights found in the Commonwealth Constitution (Australia). (3 marks)

- (c) With reference to a country other than Australia, identify and explain how human rights are protected in that country. (5 marks)

[illegible]

End of Section One

See next page

Section Two: Source analysis**20% (20 Marks)**

This section has **two (2)** questions. You must answer **one (1)** question. Write your answer in the space provided.

Spare pages are included at the end of this booklet. They can be used as additional space if required to continue an answer. If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

Suggested working time: 35 minutes.

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Read **Source 1** and answer all parts of the question that follows.

Source 1: Unit 3A

The extracts below appeared in an article in The Australian on Wednesday November 3, 2010. The writer, Barry Cohen, was a Labor member of the House of Representatives from 1969 to 1990. He served as a minister in the Hawke government from 1983 to 1987.

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See next page

Question 5

(20 marks)

- (a) Explain what is meant by 'the executives of government and opposition'. (2 marks)

- (b) Outline **four** roles of the Opposition in the Commonwealth Parliament. (4 marks)

- (c) With specific reference to **Source 1**, explain **two** consequences for the Commonwealth Parliament, (including the groups and individuals within it) of changes to Question Time over the last half-century. (6 marks)

[illegible]

[illegible]

Read **Source 2** and answer all parts of the question that follows.

Source 2: Unit 3B

The extracts below are from a speech given by the Chief Justice of the High Court of Australia, Murray Gleeson AC, in February 2007.

PUBLIC CONFIDENCE IN THE COURTS

... Competence, independence and impartiality are the basic qualities required of judges as individuals, and of courts as institutions. Fair and public hearings are the required standard of judicial process. Confidence in the courts is a state of reasonable assurance that these qualities and standards are met.

... We talk about public confidence in such things as the courts, the democratic process, the institutions of government, or other aspects of public life as though we are referring to an observable state of mind of a sufficiently large group to represent public opinion. We assume that such confidence is as measurable as, say, the approval of a political leader, or the popularity of a celebrity ...

An assurance that courts decide cases free from external influence in the form of pressure from government or other powerful interests or favouritism of some litigants is basic. The ultimate test of such assurance is whether people believe that, in a legal contest between a citizen and a government, the judge will hold the scale of justice evenly. It is also important that people believe that judges are committed to deciding cases of all kinds, regardless of the identity of the parties, fairly and according to law. There are some who say that impartiality is a myth; that, whether they realise it or not, judges are controlled by personal impulses and inclinations, perhaps formed unconsciously; and that the best judges are those who break free of the myth of impartiality and exercise judicial power in order to promote social ends. If this were ever to become a general opinion of the way judges behave, then there could be no public confidence. Manipulating the law in pursuit of a judge's personal agenda might seem clever to an enthusiast for a cause, but it would be destructive of the authority of courts and therefore, ultimately self-defeating. If the idea of judicial impartiality is consigned to the intellectual scrap heap, judicial authority will soon follow it ...

It is important not to confuse confidence with popularity. It is not the business of judges to try to please when they make their decisions. Doing justice without fear or favour requires, from time to time, making decisions that will displease some, perhaps many people. The public understands that. Confidence in the courts includes trusting them to pursue justice, not applause.

Question 6

(20 marks)

(a) Explain what is meant by public confidence in the courts.

(2 marks)

(b) Identify and explain **two** factors that reinforce public confidence in the courts.

(4 marks)

- (c) Discuss how the judicial process contributes to the rule of law in Australia. (6 marks)

- (d) Apart from public confidence, identify and evaluate **two** processes that help to ensure judicial accountability in Australia. (8 marks)

[illegible]

End of Section Two

See next page

Section Three: Extended response**50% (50 Marks)**

This section has **four (4)** questions. Answer **one (1)** question from Part A: Unit 3A and answer **one (1)** question from Part B: Unit 3B.

Pages are included at the end of this booklet for planning and writing your answers.

- Planning: If you use the pages for planning, indicate this clearly at the top of the page.
- Answering the question: In the pages provided indicate clearly the question number you are answering.

Suggested working time: 100 minutes.

Part A: Unit 3A

Answer **one (1)** question from a choice of **two (2)**.

Question 7**(25 marks)**

‘Although federalism is a central feature of the Australian political and legal system it has changed markedly over time.’

Evaluate this claim.

or

Question 8**(25 marks)**

Evaluate the role and influence of political parties, compared to the role and influence of pressure groups, in the lawmaking process in Australia.

Part B: Unit 3B

Answer **one (1)** question from a choice of **two (2)**.

Question 9**(25 marks)**

'The office of Governor-General is highly debatable in Australia in terms of: appointment; removal; powers and accountability.'

Evaluate this claim, making reference to specific Governors-General of Australia.

or

Question 10**(25 marks)**

'Over time, particular individuals and groups within the Australian political and legal system have been disadvantaged.'

Evaluate this claim with specific reference to the experiences of **one** individual or group in Australia.

End of questions

Question number: _____

[illegible]

Question number: _____

[illegible]

Question number: _____

[illegible]

Question number: _____

[illegible]

Question number: _____

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Question number: _____

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Question number: _____

[illegible]

Question number: _____

[illegible]

Additional working space

[illegible]

Additional working space

[illegible]

ACKNOWLEDGEMENTS

- Source 1** Adapted from: Cohen, B. (2010, November 3). Silence from the backbench. *The Australian*, p. 14.
- Source 2** Excerpt from: Gleeson, M. (2007). *Public confidence in the courts* [Speech]. Retrieved April 5, 2011, from <http://njca.anu.edu.au/Professional%20Development/programs%20by%20year/2007/Confidence%20courts/papers/Gleeson.pdf>.

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